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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Makoto SAWADA

Serial No.: 10/647,900

Filed: 25 August 2003

Title: HYDRAULIC PRESSURE SENSOR FAILURE
CONTROL SYSTEM FOR BELT-TYPE
CONTINUOUSLY VARIABLE TRANSMISSION

Group Art Unit: 3682

Examiner: V. Johnson

Attorney Docket No.: KIOI:034

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MARC A. ROSSI

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From:	ROSSI, KIMMS & McDOWELL LLP
Sender's Phone:	703-726-6020
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COVER SHEET 1

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MARC A. ROSSI

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REPLY - TERMINAL DISCLAIMER

Sir:

This is a timely reply to the Office Action dated 03 May 2006. This reply requires a fee of \$130 for the accompanying Terminal Disclaimer to obviate a nonstatutory obviousness-type double patenting rejection. The Commissioner is authorized to charge any unaccounted fee(s), such as for extension of time, excess claim fees, etc., required to maintain pendency of this application to Deposit Account No. 18-2056.

This application is now in condition for allowance.

Respectfully submitted,

ROSSI, KIMMS & McDOWELL LLP

[Signature]
MARC A. ROSSI
REG. NO. 31,923

06/05/06
DATE

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ALEXANDRIA, VA 22313-1450

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TERMINAL DISCLAIMER Under 37 CFR §1.321
To Obviate Double Patenting Rejection

Sir:

JATCO LTD of Japan (hereafter ASSIGNEE) is the sole owner of the entire right, title, and interest in the instant application and USP 7,029,410 (hereafter "Earlier Patent").

ASSIGNEE disclaims, except as provided below, the terminal part of the statutory term of a patent (hereafter "Later Patent") granted on the instant application, which would extend beyond the expiration date of the full statutory term of the Earlier Patent, defined in 35 U.S.C. §§ 154-156, as shortened by any terminal disclaimer.

ASSIGNEE also agrees that the Later Patent is to be enforceable only for and during the period in which the Earlier and Later Patents are commonly owned. This agreement is to run with the Later Patent and is to be binding upon the grantee, its successors or assigns.

ASSIGNEE, in making the above disclaimer, however, does not disclaim any terminal part of the term of the Later Patent before the expiration of the full statutory term, as defined in 35 U.S.C. §§ 154-156, of the Earlier Patent, as shortened by any terminal disclaimer, when the Earlier Patent: expires for failure to pay any maintenance fee, is held unenforceable, is found invalid in a final judgment by a court of competent jurisdiction, is statutorily disclaimed in whole or otherwise under 37 CFR §1.321, has all claims canceled by a reexamination certificate or as

SN. 10/647,900

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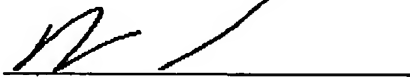
a result of an interference proceeding, is reissued, or is in any manner terminated, or otherwise deemed not to provide the rights conveyed by 35 U.S.C. § 154, before the expiration of its full statutory term as defined by 35 U.S.C. §§ 154-156, as shortened by any terminal disclaimer.

The undersigned is an attorney of record.

Respectfully submitted,

ROSSI, KIMMS & McDOWELL LLP

06/05/06
DATE



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